

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONNA M. SCHELLENBERGER,

Plaintiff,

vs.

MARK ROSENBLATT, and OAKWOOD  
VENTURES,

Defendants.

**8:21CV238**

**SHOW CAUSE ORDER**

This matter comes before the court after a review of the court file. Plaintiff commenced this action on June 23, 2021 (Filing No. 1), and the Clerk of the Court issued summons for Defendants Mark Rosenblatt and Oakwood Ventures on June 30, 2021 (Filing No. 4). Both summonses were issued to Defendants in care of “Daniel Cianchetta, 200 Public Square, Suite 2300, Cleveland Ohio, 44114-2378” (Filing No. 5; Filing No. 9). According to the proof of service filed by Plaintiff on July 15, 2021, Oakwood Ventures purportedly was served by certified mail received on July 7, 2021. (Filing No. 5 at CM/ECF p. 3). According to the proof of service filed by Plaintiff on August 11, 2021, Mark Rosenblatt purportedly was served by certified mail received on August 2, 2021. (Filing No. 9 at CM/ECF p. 3). Both certified mail receipts show that the mailings were directed to Defendants, by service on Daniel Cianchetta at Benesch law firm.

Plaintiff has filed affidavits stating that Defendants have been served and have failed to answer or otherwise respond and she asserts she is entitled to damages. (Filing Nos. 10, 11). Pursuant to the court’s rules, a complaint must be served within 90 days of filing the lawsuit. However, Plaintiff has not shown why the court should interpret the service of the lawsuit on Daniel Cianchetta at

Benesch law firm as service on Defendant Mark Rosenblatt and Defendant Oakwood Ventures.

Accordingly,

IT IS ORDERED that plaintiff shall have until October 4, 2021 to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 13th day of September, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge